IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.2169 OF 2005

IN

SUIT NO.2043 OF 2005

Aruna A. Dholakia. ...Plaintiff.

vs.

1. Darshak Hariprasad Dholakia & others. ...Defendants.

Mr.Pravin Samdhani, Sr. Counsel i/b. M/s.Prakash & Co., for Plaintiff.

Mr.K.P.Ravi, for Defendant no.4.

CORAM: D.K.DESHMUKH,J.

DATED: 28th MARCH,2007..

P.C.:-

By consent of parties, the notice of motion is disposed of in the following terms:-

1. The Receiver of this Court is appointed as Receiver of the suit flat. The Receiver, however, shall take only symbolic possession and shall appoint defendant no.4 as his agent to be in possession of the

suit flat on usual terms and conditions but without security. The amount of royalty shall be fixed in the following manner:-

(i) The Receiver shall take steps to fix the royalty of the suit flat. If the amount of royalty fixed by the Receiver is in excess of Rs.10,000/- (Rupees Ten thousand only) per month, the defendant no.4 shall be permitted to pay royalty at the rate of Rs.10,000/- per month. If the amount of royalty fixed by the Receiver is less than Rs.10,000/- per month then the defendant no.4 shall pay royalty fixed by the Receiver.

(ii) Till the fixation of royalty takes place, the defendant no.4 shall pay royalty at the rate of Rs.7500/- (Rupees Seven thousand five hundred only) per month which will be adjustable against the finally declared royalty. The payment of royalty shall start from the month of April,2007.

(iii) The Agency agreement be executed within a period of six weeks from today.

(iv) Till the Receiver takes possession, ad-interim order in terms of prayer clause (b) shall operate.

Notice of motion is disposed of.